

**BRIAN L. BROMBERG, P.C.**

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February 24, 2005

Via Fax: (718) 797-7386 & ECF  
Honorable Kiyo A. Matsumoto  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn NY 11201

Re : *McDowall v. Cogan*, et al.  
EDNY, Docket No. CV-03-0419 (ARR) (RLM)

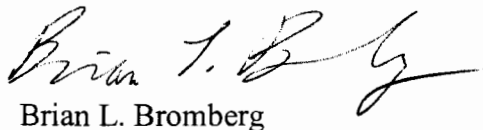
Dear Judge Matsumoto:

I am writing to advise the Court of the results of the class notice mailing. As set forth in the accompanying Affidavit of Michael Caines (Exhibit A), 593 class notices were mailed. After deducting the 101 class notices that were returned as undeliverable and the one class member who requested exclusion, 491 class members will be sharing \$10,000.00 after deducting costs of notice and distribution.

As set forth in the accompanying invoices from the settlement administrator (Exhibits B), the administration costs are \$2,194.73. Thus, the 491 class members will share equally in the remaining \$7,805.27, receiving about \$15.89 each.

I am preparing the Final Approval Order and will be faxing it to Chambers before the March 1, 2005 hearing.

Respectfully,



Brian L. Bromberg

cc: Andrew G. Tretter, Esq., counsel for defendants (Via Fax and ECF)  
Lance A. Raphael, Esq. (Via Fax and ECF)

# Exhibit A

U. S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Kendra McDowall,  
Plaintiff,

v.

Michael R. Cogan and  
Rubenstion, Cogan, Beehler & Quick, P.C.,  
Defendant.

Case No. CV 03 0419 (KAM)

AFFIDAVIT OF MICHAEL CAINES

STATE OF ILLINOIS, COUNTY OF COOK

BEFORE ME, the undersigned authority, this day personally appeared, Michael Caines, who being first duly sworn, deposes and says:

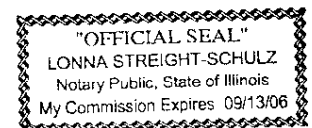
1. That he is the Chief Executive Officer of First Class, Inc. and has personal knowledge of this matter.
2. That First Class, Inc., a Class Action Mailing & Administration Service, was retained to act as the mailing service and notice administrator for this case.
3. That First Class, Inc. was supplied with the notice and mailing list from Brian L. Bromberg, P.C., which contained a list of the names of the class members and their mailing addresses.
4. That the list of class members was checked against the United States Postal Service's "FASTforward" list, and any change-of-addresses found used to update the mailing list.
5. That on January 5, 2005 First Class, Inc. mailed the notice to 593 class members via First Class mail with "Forwarding Service Requested" on each envelope, postage prepaid.
6. That each notice had the return address of "626 S. Clark St Fl 7, Chicago, IL 60605-1711" so that any undeliverable mail would be returned to the offices of First Class, Inc.
7. That as of February 24, 2005 a total of 101 notices were returned by the US Postal Service as undeliverable.
8. That as of February 24, 2005 a total of 8 notices were returned by the US Postal Service with a new address and were remailed to that address.
9. That as of February 24, 2005 one request for Exclusion was received from:

Valerie Mayo  
1405 Prospect Pl # 19  
Brooklyn, NY 11213-2452

FURTHER AFFIANT SAYETH NOT.

  
AFFIANT

  
NOTARY PUBLIC



(seal)

SWORN TO AND SUBSCRIBED before me this 24<sup>th</sup> day of February, 2005 by Michael Caines, Chief Executive Officer of First Class, Inc., who is personally known to me.

# Exhibit B

# First Class, Inc

## CLASS ACTION SERVICES

626 S Clark St Fl 7 - Chicago, IL 60605-1711

Phone: (312) 322-1002 Fax: (312) 322-2102 Email: info@firstclassinc.com FEIN: 36-4081386

## Invoice #:6610

**Attn:** Brian L Bromberg, P.C.  
 Brian L Bromberg, P.C.  
 40 Exchange Place, Suite 604  
 New York NY 10005

**Job Name:**

Cogan v McDowall: Notice R1

**Invoice Date:** 01/05/05

**Date of Service:** 01/05/05

**PO#:**

**Terms:** Due at Start

Qty	Description
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### Data Processing

1	Translate/standardize file-provide questionables
1	Set up
1	Set up mailing address
1	FASTforward 13 mo. Move Update Reg Turnaround

### Lettershop

593	Fold by machine
593	Machine affix tab 1-translucent
1	Deliver to Post Office
1	Complete USPS Postal Statement

### Addressing/Printing

593	Laser Print Notice, Indicia, & Delivery Address 2ds 11x17 page
593	Ink Jet Address

### CA Admin

12	Remail Allowance @ 2%
12	Undeliverable Processing-First Class postage @ 2%
1	Administration reports and activities

### Postage

Indicia-FCI	593	\$0.37	\$219.41
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**Total Quantity: 593**

### Comments:

<b>Advance Payment:</b>	<b>\$0.00</b>
<b>Postage:</b>	<b>\$219.41</b>
<b>Tax:</b>	<b>\$0.00</b>
<b>Credit:</b>	<b>\$0.00</b>
<b>Services:</b>	<b>\$579.18</b>
<b>Balance Due:</b>	<b>\$798.59</b>

# First Class, Inc.

## Billing Statement # 13556

### CLASS ACTION SERVICES

626 S Clark St Fl 7 - Chicago, IL 60605-1711

Phone: (312) 322-1002 Fax: (312) 322-2102 Email: info@firstclassinc.com FEIN: 36-4081386

Est Date: 04/22/04  
CustCode: BB-BB

CUSTOMER INFO	JOB INFO	Estimate # 13556
<b>Attn: Brian Bromberg</b> Brian L Bromberg, P.C. 40 Exchange Place, Suite 2010 New York NY 10005  Phone: (212) 248-7906 Fax: (212) 248-7908 Terms: Due at Start	<b>Cogan v McDowall: Checks R2</b>  Account Rep: Mike Caines PO#: Data Due: Pstg \$ Due: Material Due: Drop Date:	

Qty	Description	Comments
<b>Data Processing</b> <b>Expected Quantity: 590</b>		R1: Changed quantity. Print, mail, and administer Class Action Checks.
1	Set up check	
1	Prepare & Transmit Positive Pay file to Bank	
<b>Lettershop</b>		
491	Fold by machine	
491	Hand Insert	
491	Seal envelope automatic	
1	USPS Certificate of Mailing (verification)	
1	Deliver to Post Office	
<b>Addressing/Printing</b>		
491	Laser Print MICR check	
491	Ink Jet envelope	
<b>CA Admin</b>		
491	Funds Management	
4	Positive Pay Service (/mth)	
1	Administration reports and activities	
<b>Misc</b>		
491	Envelope, #10 Window	
491	Check Stock with Security Features	

### Postage

1st Class Single Piece Ltr	491	0.6 oz.	0.370	\$181.67
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**Postage Sub Total: \$181.67**

**Estimated Services: \$1,214.47**

**Grand Total w/Postage: \$1,396.14**

**Due upon receipt. Payment must be received before mailing date.  
Thank you.**